

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CLEVERLAND HOLDINGS, LLC, D/B/A)	CASE NO. 1:23 CV 1571
EMBRACE INSURANCE AGENCY, LLC,)	
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
JENNIFER MAHAN, A/K/A JENNA)	Magistrate Judge
MAHAN, et al.,)	Jennifer Dowdell Armstrong
)	
Defendants.)	MEMORANDUM OPINION
)	<u>AND ORDER</u>

This matter is before the Court on the Motion for a Temporary Restraining Order and Preliminary Injunctive Relief filed by Plaintiff, Cleverland Holdings, LLC (“Cleverland”). (Docket #4.) On September 1, 2023, this case was referred to Magistrate Judge Jennifer Dowdell Armstrong for a Report and Recommendation on Cleverland’s Motion. (Docket #20.)

On September 25, 2023, Magistrate Judge Armstrong held a hearing on Cleverland’s Motion and, on October 10, 2023, issued her Report and Recommendation. (Docket #26.) The Magistrate Judge recommends that Cleverland’s Motion be denied. On October 24, 2023, Cleverland filed its Objections to the Report and Recommendation of the Magistrate Judge. (Docket #27.) On November 6, 2023, Ms. Mahan filed her Response to Cleverland’s Objections. (Docket #29.)

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable district court standard of review for a magistrate judge's report and recommendation depends upon whether objections were made to the report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED. R. CIV. P. 72(b) provides:

The district judge must determine *de novo* any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Conclusion

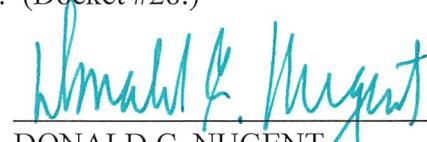
The Court has reviewed the Magistrate Judge's Report and Recommendation *de novo*, analyzing Cleverland's Objections to the Report and Recommendation and Ms. Mahan's Response thereto. Magistrate Judge Armstrong thoroughly and exhaustively reviewed the Cleverland's Motion, including all related briefing, exhibits and the evidenced presented during the September 25, 2023 hearing, in conjunction with the applicable statutory and case law. For the reasons set forth in the Report and Recommendation, Magistrate Judge Armstrong correctly concluded that Cleverland is not entitled to the requested injunctive relief.

Accordingly, the Report and Recommendation issued by Magistrate Judge Armstrong (Docket #26) is hereby ADOPTED in its entirety. Cleverland's Motion for a Temporary Restraining Order and Preliminary Injunctive Relief (Docket #4) is DENIED.

A Case Management Conference is scheduled for December 14, 2023 at 9:00 a.m. to be held telephonically before Judge Donald C. Nugent. (Docket #28.)

IT IS SO ORDERED.

DATED: November 20, 2023


DONALD C. NUGENT
United States District Judge